

Making Power-sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation

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Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:

Schneckener, U. (2000). *Making Power-sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation*. (InIIS-Arbeitspapiere, 19). Bremen: Universität Bremen, FB 08 Sozialwissenschaften, Institut für Interkulturelle und Internationale Studien (InIIS). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-67196-4>

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MAKING POWER-SHARING WORK

LESSONS FROM SUCCESSES AND FAILURES
IN ETHNIC CONFLICT REGULATION

InIIS-Arbeitspapier Nr. 19/2000

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1. Introduction¹

For managing and settling ethnic conflicts, power-sharing arrangements often seem an appropriate solution. The former antagonists are forced to work together and make decision by consensus; the ultimate goal is to turn opponents into partners. Obviously, this concept can only be successful under specific conditions and by specific arrangements. Based on a comparative analysis of six cases of power sharing, the paper aims (a) to identify favourable conditions as well as (b) to evaluate the quality of regulations. For successful conflict regulation, both aspects have to be taken into account: if the most favourable conditions are missing or will not be attained over time, then the "best" power-sharing constitution will fail. If, in turn, "bad" or insufficient rules and procedures prevail, then even the presence of comparatively beneficial factors will probably not avoid failure. Success will be understood as *achievement* and *sustainability* of a particular solution.

The paper is subdivided into four sections: First, the concept of power-sharing (or consociationalism) will be mapped out. Second, successful and failed European cases of power-sharing will be briefly presented. Third, by comparing these cases the explanatory power of some potentially favourable conditions will be examined, and fourth, based on empirical experiences "better" regulations have to be distinguished from more problematic or even counter-productive ones.

2. Concept and elements of power-sharing

The key idea of any power-sharing structure is that two or more ethno-national groups have to rule the common polity jointly and to take decisions in consensus. No single group can decide important matters without the consent of the other. On the basis of informal or formal rules all groups have access to political power and other resources. This concept of conflict regulation was prominently shaped during the 1970s by the work of Arend Lijphart, Eric Nordlinger, Gerhard Lehmbruch and others;² it is also often called *consociational democracy*, *consensus democracy*, *corporatism* or *proportional democracy*.

Despite the fact that these terms were often used in a synonymous way, they should be treated separately. Lijphart's ideal-type distinction between *majority* and *consensus democracy* could be used as a starting point, the first being characterised by elite competition and changing majorities, the second by elite co-operation and joint governance. In a broad sense, the term consensus democracy applies to each polity where the main parties de facto rule together, be it a national or a multi-national environment.

¹ An earlier version of the paper has been presented at the workshop "*Managing and Settling Ethnic Conflicts*", organised by Stefan Wolff (University of Bath) and the author, at the 7th Conference of the International Society for the Study of European Ideas (ISSEI), 14-18 August 2000, Bergen/Norway. The author like to thank all participants of the workshop for their comments. The paper is part of a larger research project on ethnic conflict regulation (see Schneekener 2000).

² See Lijphart (1969, 1974, 1977, 1982, 1984, 1991), Lehmbruch (1967, 1974, 1992, 1993), Nordlinger (1972), McRae (1974), Steiner (1974), Daalder (1974).

Consociationalism would be a specific form of consensus democracy, linked to ethnically segmented societies or, rather, to multi-national polities, i.e. states or regions in which two or more ethno-national groups live. This definition seems to be more precise than the notions of "deeply divided societies" (Nordlinger) or "plural societies" (Lijphart). In other words: not every form of institutionalised, long-standing cross-party co-operation within a nation-state should be called consociationalism. This kind of consensus politics is better labelled as *corporatism* or *proportional democracy*. The difference can be illustrated by Belgium and Austria: Both are considered as classical examples of Western consensus democracy, but both obviously represent two different types of society. Whereas in Belgium power-sharing rules proved necessary to keep two distinct ethno-national groups (Flemings and Walloons) in one polity, in post-1945-Austria two political movements (Catholic conservatism and socialism) of one and the same national group developed a system of power-sharing. According to Lijphart (1977: 5), consociationalism implies both the existence of "segmental cleavages" and elite co-operation, while corporatism just refers to the latter. Consociationalism therefore is more comprehensive, since it describes not only a way of government, but also a specific type of society. In order to distinguish different forms of democracy, one can slightly modify Lijphart's typology (see table 1).³ Each model should be seen as an ideal-type, since in reality we often observe mixed systems or, at least, some overlapping features, notably between corporatism and centripetal democracy.

Table 1: Ideal-types of democratic systems

	Nation State	Multi-national polity (state or region)
Consensus democracy (elite co-operation)	<i>corporatism</i> (proportional or "depoliticised" democracy), i.e. Austria	<i>consociationalism</i> i.e. Belgium, Switzerland, South Tyrol, Bosnia
Majority democracy (elite competition)	<i>centripetal democracy</i> (Westminster-Model) i.e. Great Britain, New Zealand	<i>centrifugal democracy</i> (hegemonic control by one group), i.e. Northern Ireland (1921-72)

Furthermore, consociationalism or power-sharing should be better distinguished from other concepts of ethnic conflict regulation (see Schneckenner/Senghaas 1997). On the one hand minority rights, transborder regimes, territorial autonomy or federalism can be an integral part of a power-sharing regime, but on the other hand these models do not necessarily include consociational procedures and instruments. In particular, federalism and consociational democracy share common features, but they are by no means identical concepts.⁴ Empirically, they may enforce each other, but in principle power-sharing could also work without federal structures and the other way round. For example, some territorial solutions (such as the Spanish system of Autonomous Communities) are hardly characterised by

³ See Lijphart (1974: 85-89, 1977: 104-119), he distinguishes between "homogenous" and "plural society".

⁴ For the conceptional link of federal and consociational frameworks, see Lijphart (1979), McRae (1979), Elazar (1987: 18-26), Sisk (1996: 49-53).

shared rule at the central level, but rather by allowing regions or ethnic groups a certain degree of *self-rule*.

In contrast to other modes of ethnic conflict regulation, power-sharing systems contain typically the following institutional arrangements which are either formalised and legally binding or based on informal agreements and unwritten rules:

(a) *Power-sharing executive*: The government includes representatives from all relevant groups in society either in the form of a *great coalition* among the main parties, of *all-party-governments* or of temporary *round-tables*. In each case, it would be decisive to secure "the participation by the leaders of all significant segments" (Lijphart 1977: 31).

(b) *Proportional representation*: All groups or segments are adequately represented within the executive, the parliament, the legal system and the public service, including the army or state-owned companies (i.e. railways, postal services). This can be assured through a quota system according to the size of the groups, the number of voters or a fixed ratio. In some cases parity would be an option too, one example is the Belgian Council of Ministers which contains an equal number of French- and Flemish-speaking ministers. Often, smaller groups are significantly over-represented in this kind of key positions.

(c) *Veto rights*: Each group has the opportunity to bloc political decisions by using its veto rights. The aim is to foster consensus-building and the search for compromises. The right to veto could either apply unrestrictedly to all decisions (absolute veto), it could be conditional and just refer to some basic laws or it could just have a delaying effect in order to re-negotiate disputed issues.

(d) *Segmented autonomy*: Each group enjoys some degree of self-government, they maintain their own elected bodies, institutions and competencies. Only few issues have therefore to be co-ordinated with other segments of society. This can be organised on the basis of territorial or non-territorial arrangements. The former implies that consociationalism will coincide with a federal-type structure (cf. Belgium, Switzerland or Bosnia), the latter implies that the various groups are organised on the basis of the personality principle, irrespectively of their territorial basis (see Cyprus 1960-63).

(e) *Arbitration*: In case of a dispute, it is necessary to develop mechanisms for conflict settlement. Measures include informal meetings among the group leaders, ombudspersons, formalised mediation committees, independent commissions or special arbitration courts in which all sides are represented.

In one or the other way, all these arrangements have to be present in order to speak about fully-fledged power-sharing. In some cases only few elements exist and/or they are merely seen as a temporary matter (such as affirmative action programmes). In post-Yugoslav Macedonia (since 1991), for example, a Slav-Macedonian party and an Albanian party always formed a coalition in order to stabilise the tense inter-ethnic situation, but this informal power-sharing at the top level has not been extended to other elements such as systems of representation, veto rights or segmental autonomy. In a number of other European cases, however, all consociational elements were put – or, at least, attempted to put – into practice.

They can serve as empirical material for analysing both favourable conditions as well as practical problems with regard to the respective institutional arrangements.

3. Six cases of power-sharing

The cases chosen here are Belgium (since 1970), South Tyrol (since 1972), Cyprus (1960-63), Northern Ireland (1973-74), Bosnia-Herzegovina (1995) and, again, Northern Ireland (1998). The sample thus comprises two success stories (Belgium and South Tyrol), two historic failures (Cyprus and Northern Ireland 1973-74) and two recent attempts whose outcome is still open (Bosnia and Northern Ireland 1998). In the following, I will only briefly introduce them:⁵

Belgium (since 1970): The country is culturally and politically divided into a Flemish- and a French-speaking group. This is in particular mirrored by the establishment of three political regions (Flanders, Walloon and Brussels) and of three cultural communities (one each for the Flemings, the Francophones and the small German-speaking minority in East Belgium).⁶ The road to power-sharing between the two main language groups was largely shaped by two developments: the first process concerns the linguistic and political emancipation of the Flemish community starting at the end of the 19th century and lasting until the late 1960s. As a result of successive language laws the Flemish gradually attained the same constitutional status as the formerly dominant French. This had implications for language use in politics and administration and, therefore, increased the political power of Flemish-speakers. In the course of this process, Belgium became de facto subdivided into two monolingual regions (Flanders and Wallonia) and one bilingual region (Brussels). Based on these language areas, the second process of several constitutional revisions (1970, 1980, 1988, and 1993) gradually transformed Belgium from a unitary into a federalised state. In doing so, the leading parties (Christian Democrats, Socialists and Liberals) also reacted to the growing support for regional movements in the 1960s and early 1970s (e.g. *Volksunie*, *Rassemblement Wallon*, the Brussels *Front Démocratique de Francophones*). Consequently, the regions and the communities were established, the first being mainly responsible for socio-economic issues, the second for cultural and educational matters. Moreover, the 1970 reform turned the central institutions into a fully-fledged power-sharing system: the government (Council of Ministers) had to have an equal number of Flemish- and French-speaking ministers (principle of parity), the same rule applied to the highest courts, to the important Permanent Language Commission and to the upper ranks of the army. The Parliament (House of Representatives) was split into two parliamentary language groups which obtained their own constitutional status and special veto rights in order to prevent major decisions against the will of one side. They also served automatically as Councils for the various communities and regions, before later reforms (1988, 1993) established directly elected regional and communal parliaments.

South Tyrol (since 1972): The province, long disputed between Italy and Austria, is today composed of two thirds German speakers and one third Italianspeakers. But back in 1948

⁵ For more detailed case studies, see Schneckener (2000, chap. V.).

⁶ For the Belgian political system, see Lijphart (1981), Covell (1981, 1985, 1987), McRae (1986), Delmartino (1988), Alen (1990), Peeters (1994), Fitzmaurice (1996).

the province was integrated by the Italian government into the larger region of Trentino-South Tyrol, which turned the German-Italian majority-minority situation on its head. The question of autonomy for German South Tyrolians therefore led to a vigorous conflict between the German-speaking community, largely represented by the South Tyrolian People's Party (SVP), and the Italian side as well as to a dispute between the Italian and the Austrian government, the latter regarding itself as a "patron" of South Tyrol. After several years of negotiations between the different sides, the so-called "package solution" was agreed in 1969.⁷ It comprised (a) a substantially up-graded autonomy for the German-dominated province of Bozen/Bolzano within the overall region ("double autonomy"), institutionalised by the 1972 autonomy statute, (b) detailed measures for ethnic proportional representation (*Proporz*), in particular in the public service, and (c) rules for power-sharing in the provincial and regional institutions. The latter implied a joint government (*Landesregierung*) of German- and Italian-speakers according to the number of mandates each group won in parliamentary elections which usually led to a fairly stable coalition of the SVP and the local branch of the Italian Christian Democrats (DC) before it disappeared from the Italian political scene in the 1990s. While the head of the provincial government (*Landeshauptmann*) may be a German speaker, one of his two deputies has to be an Italian; at the regional level, the same rule applies the other way round. The two language groups also have to be jointly represented at the top of both the provincial and regional parliament. In these assemblies, each group enjoys veto rights to preserve its interests, in particular as regards financial and budgetary questions. A special feature of the South Tyrolian model is the principle of ethnic proportionality, which literally applies to all public jobs in the province including state-owned enterprises (in total 25,000). Decades of dominance by the Italian minority came to an end with the special law of 1976 which laid down a number of rules about appointments to public posts. These should ensure a gradual increase in the number of German-speakers until achieving a degree of representation equivalent to their share in the population. According to government sources, this should be the case in 2002.

Cyprus (1960-63): Cyprus with its mixed Greek and Turkish population remained under British rule until 1960. In the 1950s the Greek majority (80 per cent) began to demand ever more strongly that the island will be united with Greece (*enosis*). In turn, the Turkish minority (18 per cent), supported by Turkey, called for a partition of the island (*taksim*) in case its constitutional status changes. Hence, between 1955 and 1959, the situation in Cyprus escalated into a violent conflict when Cypriot Greek para-military groups started to attack both British institutions and the Turkish minority provoking counter-reactions by the British and by Turkish para-military organisations. Finally, in order to solve the crisis, the British government proposed independence for Cyprus. At two peace conferences in Zurich and London in 1959, Westminster and the patron states Greece and Turkey agreed upon an institutional framework for an independent Cyprus which provided for Greek-Turkish power-sharing under the international auspices of the three powers.⁸ A special treaty of guarantee ensured their right to intervene in Cypriot affairs in case basic constitutional principles were violated. The power-sharing regime provided for a "double presidency", a Greek president and a Turkish vice-president, and for a common government in which the Greek side could appoint seven and the Turkish three ministers. The Parliament was composed of 35 Greek members and 15 Turkish delegates. Thus, the Cypriot population was split into two

⁷ For the South Tyrolian solution, see Triffterer (1992), Alcock (1994), Steininger (1997).

⁸ For the Cypriot solution of 1960, see Kyriakides (1968), Salem (1992), Hannum (1993: 355-383).

electorates; each person had to declare to which community he/she belonged – a system called "constitutional bi-communalism" by Kyriakides (1968). Extensive veto rights were given to both presidents and each parliamentary group. In public service, ethnic representation had to follow a quota of 70:30, in the army the ratio of 60:40 was even more in favour of the Turkish minority. For cultural, religious, educational and local matters, the constitution foresaw two communal chambers as well as a communal court system. But from the very beginning, both sides interpreted the constitution differently and were unable to make compromises: while the Greek side complained about Turkish privileges, the Turkish side saw most regulations as a necessary protection of their rights. Major, finally unresolved, disputes occurred about the implementation of the ethnic quota for public jobs, the use of veto rights, tax and budgetary policies, the planned army structure and the separation of city administrations as regulated by the constitution (see Kyriakides 1968: 79-103). In 1963, the permanent blockage led to another outbreak of violence between para-military groups on both sides turning the capital of Nicosia into a de facto divided city. At the same time, President Makarios presented his "13 points" for constitutional reform, which would have led to a Greek majority rule. The Turkish side, backed by Ankara, rejected his proposal and left the government. The power-sharing regime had thus failed, the result being a return to violence, a policy of "ethnic cleansing" and resettlement in order to achieve homogenous territories.

Northern Ireland (1973-74): The Unionist/Protestant majority was able to control the province until 1972 because of the North Irish electoral system, which was based on the Westminster model (first-past-the-post) and thus secured the Protestants a structural majority in the Stormont Parliament. In the 1960s Nationalist/Catholic protest against political, economic and cultural discrimination began to intensify and demands for Irish unity also increased. After 1969 the conflict escalated significantly, not least due to the deployment of British troops in Northern Ireland. In 1972 the British government finally abandoned the Stormont system and established direct rule over the province. Within one year, Westminster wanted to re-establish a new devolved government, including Catholic representation. After regional elections – the first under proportional rule – the British government was able to bring the leaders of the largest Unionist party (UUP or Official Unionists), the Catholic SDLP and the smaller bi-communal Alliance Party to the negotiation table in Oct./Nov. 1973. In the *Sunningdale Agreement* all sides agreed on a power-sharing executive and on the establishment of a Council of Ireland, thereby fulfilling a long-standing SDLP demand. But this agreement was strongly opposed by para-military Protestant loyalists and Irish nationalists. Moreover, the majority of UUP party delegates did not follow its leader Faulkner, so he resigned as party chairman, but stayed in office as Prime Minister of the North Irish executive that had been set up. Without sufficient backing by the Unionist camp the agreement finally broke up in May 1974 when the Ulster Workers' Council called for a Protestant general strike. The Unionist members of the power-sharing executive stepped down, the experiment had failed and the province was again plagued by waves of nationalist and loyalist terrorist violence.⁹

Bosnia-Herzegovina (1995): The collapse of the Yugoslav federation led to a brutal, ethnic war in the former republic of Bosnia-Herzegovina (1992-95). In 1992, Bosnia was

⁹ For the developments in Northern Ireland, see Connolly (1990), Cunningham (1991), McGarry/O'Leary (1990, 1995, 1996), Darby (1996).

internationally recognised as an independent state (as Slovenia and Croatia in 1991), but at this stage the internal conflict between the three ethno-national groups (44% Muslims, 31% Serbs and 17% Croats) had already turned violent. Neither Serbs nor Croats accepted Bosnian statehood, both groups and, in particular, their para-military forces were strongly supported by Croatia and Serbia. The war was characterised by extreme human rights violations, torture, rapes, massacres and "ethnic cleansing" which was deliberately used as an instrument to conquer territory and to destroy all mixed ethnic structures. The international community made several attempts to stop the war, for example by deploying UN peacekeeping forces (UNPROFOR). But all negotiations and cease-fires eventually failed, and the war continued on a lower scale (see Calic 1996, Gow 1997). In March 1994, external pressure, particularly from the US, led to the establishment of a Muslim-Croat federation in order to counter-balance the self-proclaimed Serb *Republika Srpska* (regime of Pale). But only after the Serb side had suffered severe defeats by the combined Croat-Muslim forces and NATO air strikes around the besieged city of Sarajevo in August/September 1995, were the Serb president Milosevic and the Pale regime willing to negotiate a peace accord. The Dayton Agreement of 14 Dec. 1995 provided a new constitutional and territorial structure for Bosnia-Herzegovina. The state was subdivided into two "entities", the Serb republic and the Muslim-Croat federation, both based largely on the borders drawn by warfare. Each part was granted its own president, government and parliament as well as substantial competencies in all policy areas (except foreign policy, foreign trade, monetary policy, refugee matters and all-Bosnian infrastructure). Moreover, each "entity" was allowed to introduce its own citizenship and to maintain "special parallel relationships" with neighbouring states (i.e. Croatia and Serbia). At the politically weak centre, however, the accord aimed to establish a power-sharing system: each group is represented in the three-member state presidency, the presidents are directly elected and enjoy comprehensive veto rights. In the Council of Ministers, each group holds de facto one third of the posts. The parliamentary assembly is divided into a House of Representatives (42 elected members) and a House of Peoples (15 members delegated by the two entities), in each chamber the Muslim-Croat federation elects or appoints two thirds and the Serb republic one third of the deputies. The same quota applies to public posts in the central administration. In order to take a decision in both chambers, it is generally necessary that a majority and in some cases even a two-third majority of each side agrees. However, unlike in Cyprus, the international community maintained its high level of involvement by deploying IFOR (later SFOR) and an international police force (IPTF) as a security guarantee. Furthermore, the five members of the Bosnian Contact Group in their role as formal witnesses of the Dayton Agreement established a wide range of civil activities in order to mediate or arbitrate between the segments:¹⁰ an EU-appointed High Representative with far-reaching competencies, the OSCE election commission, the UNHCR-commission on refugees, an OSCE ombudsperson, a human rights commission and, finally, three of nine judges at the Constitutional Court have to be neutral (appointed by the European Court for Human Rights).

Northern Ireland (1998): Since the mid-1980s the British and the Irish governments established a joint structure (Inter-Governmental Conference) and developed over time a common platform for solving the North Irish conflict, which was documented by the joint *Downing Street Declaration* (1993) and the *Framework Documents* (1995). While the first established general principles, the second made more concrete institutional proposals for

¹⁰ USA, Great Britain, France, Russia and Germany were members of the Contact Group.

settling the conflict. On this basis, in 1996 all-party talks resumed. After an IRA cease-fire the Nationalist Sinn Fein party was allowed to join the negotiating table in September 1997. The political wings of loyalist para-military groups were also represented. After long-lasting negotiations the talks finally resulted in the *Good Friday Peace Agreement* (10.4.1998) which maps out a new political structure for the province.¹¹ The Agreement found wide support among the Northern Irish (and the Irish) population in a special referendum on 22 May 1998 where 71% voted in favour. The parties agreed to set up a power-sharing executive with a maximum of ten ministers in which each party would be represented according to its numerical strength in the parliamentary assembly. The First Minister is to be a Unionist, the Deputy First Minister a Nationalist and both are elected jointly by the assembly. For certain important questions, the 108 proportionally elected assembly members have to give their consent by way of cross-*community* voting procedures in order to prevent any majority rule. However, the implementation of the 1998 agreement proved to be rather slow and difficult, mostly because of the dispute on decommissioning which had only been settled in part and in rather vague terms by the accord. While the Unionist UUP demanded to begin disarmament before the executive took office ("no guns, no government"), Sinn Fein (and the IRA) saw the establishment of a government as a precondition for further progress in decommissioning ("no government, no guns").¹²

4. Favouring and non-favouring power-sharing

In each case various groups share – or as in the case of Cyprus used to share – power on the basis of specific arrangements: Flemings and Francophones in Belgium, German- and Italian-speakers in South Tyrol, Greeks and Turks in Cyprus, Protestant Unionists and Catholic Nationalists in Northern Ireland, Muslims, Serbs and Croats in Bosnia. Obviously for successful power-sharing, some favourable conditions have to be accomplished. The question which factors may foster co-operation and power-sharing has long been debated within political science, notably by Nordlinger (1972), Lijphart (1977, 1991), Lehmbruch (1967, 1975), McRae (1974a, 1986), Alcock (1994) and McGarry/O'Leary (1990a: 281-288, 1993: 35-37).¹³ The following list of conditions largely summarises this literature.¹⁴ These conditions can be seen as independent variables in order to explain the outcome. The aim is therefore to examine, if and to what extent these factors are fulfilled in each case. The comparative analysis tries to systematise the reasons which led to success (Belgium, South Tyrol) or failure (Cyprus, Northern Ireland 1973). On this basis, it is also possible to make a cautious assessment about the most recent developments in Bosnia and Northern Ireland. Furthermore, the analysis allows for some judgements about the relevance of some factors

¹¹ For an analysis of the latest peace process and the Good Friday Agreement, see Wolff (1998), O'Leary (1999), Stevenson (2000).

¹² In December 1999 a compromise led to the establishment of the power-sharing executive including ministers from Sinn Fein. But after repeated disputes over decommissioning the British Northern Ireland Minister suspended the regional body in early February 2000 in order to prevent the formal resignation of the First Minister Trimble (UUP). New guarantees by the IRA, however, made the executive's re-establishment in May 2000 possible.

¹³ See also Lorwin (1971), Steiner (1974), Daalder (1974), Barry (1975a, 1975b), Pappalardo (1981), Schmidt (1997: 233-236).

¹⁴ For a similar catalogue of favourable conditions, see Lijphart (1977: 53-103, 1991: 497-499).

in comparison to others. For this purpose, the conditions can be divided into structure-oriented (1 to 6) and into actor-oriented factors (7 to 11), the former being mainly concerned with existing or non-existing structures (such as size, economic matters, territorial borders or the shape of the party system), the latter with the behaviour, the constraints and perceptions of actors.

(1) *Relative equilibrium*: The state or region is not dominated by a clear majority group, but there exists a relative equilibrium with regard to size. There are either a number of groups where among which no one has an absolute majority of the total population or two almost equal segments. The former is the case in Bosnia, where neither Muslims nor Serbs nor Croats represent more than half of the inhabitants. The latter refers to some extent to Belgium where Flemings and Francophones have nearly the same size. Moreover, the small overall majority of the Flemish (60 to 40 per cent) is counter-balanced by the fact that the Flemings are in a minority position in the Brussels region. While the Francophones as the slightly smaller group call for power-sharing at a national level, the Flemings in turn are interested in special rights and protection at the level of Brussels. A similar stabilising effect can be detected in the case of South Tyrol: In the region of South Tyrol-Trentino the Italian-speakers are in a dominant position, within the province of Bozen/Bolzano, however, the ratio is the other way around, two thirds speaking German, one third speaking Italian. Thus, the fact of reverse majority situations on two levels of government constitutes a relative equilibrium among the two groups. On the contrary, the united Cyprus of the 1960s was clearly dominated by the Greek group who represented almost 80 per cent of the population, there was therefore no balance between these groups. With respect to Northern Ireland, the picture is more complex: On the one hand, the Protestants used their absolute majority to rule the region unilaterally from 1922 to 1971, on the other hand, as a result of the demographic development in the 1970s and 1980s Protestants and Catholics gradually became more equal in size than ever before. From 1971 to 1991 the share of the Catholic segment increased from about 33-36% to over 40% (see Boyle/Hadden 1994: 30-33). One may therefore argue that the 1998 agreement is almost based on an equilibrium whereas at the time of the 1973 agreement the Protestants could legitimately see themselves in a dominant position because of their pure size.

(2) *No significant socio-economic differences*: The smaller the economic and social differences between the groups, the better the conditions for consociationalism. No side should be severely disadvantaged in terms of economic and human resources; on the contrary, each group should have a similar profile with regard to the standard of living, average income, the number of employees or the level of education. These conditions are largely met in Belgium: During the 1960s Flanders was able to improve its economic situation in relation to Wallonia which had been more advanced in the past thanks to its heavy industry whereas Brussels remained the richest region (see McRae 1986: 75-89). In the midst of this catching-up the Flemish community began to raise cultural and political demands which were finally regulated by different language laws (1960s) and by various constitutional reforms (1970, 1980, 1988, 1993) in order to put the Flemings on an equal footing with the Francophones. In other words: almost in parallel to the introduction of consociational elements the country's two parts became more even in socio-economic terms. In the end, Flanders' growing economic strength compared to Wallonia may even have some disintegrative effects. A similar process took place after 1945 in South-Tyrol, so that the

profiles of the German- and Italian-speakers look increasingly equal. This implies that the Germans gained more opportunities. For instance in the 1960s their share of industrial workers or employees in trade/services slowly reached the Italian level (see Katzenstein 1977: 294-300). Nevertheless, at the time of the "package deal" (1969-72) between the local SVP and the Italian and Austrian governments the Italian-speakers were economically still better off, this situation, however, had changed significantly by the end of the 1970s when South Tyrol achieved full-employment and a relatively high standard of living for all groups.

While in Belgium and South Tyrol former inequalities among the groups vanished over time, in Cyprus (1960-63) and Northern Ireland (1973-74) huge disparities remained. The Turkish and the Catholic population respectively were clearly disadvantaged in all socio-economic aspects vis-à-vis the Greek or Protestant majority. In Cyprus, this split even deepened after independence causing the power-sharing experiment to fail. In the case of Northern Ireland, however, the British government helped to reduce the gap between Catholics and Protestants by a whole range of social, economic and educational reforms.¹⁵ The situation in the 1990s is therefore very different from that in the early 1970s which may help to keep the 1998 peace agreement in place. In Bosnia, the post-war situation is worse for all segments of society. In this respect all groups suffer bitterly and no side seems to be particularly disadvantaged as long as they co-operate with the international donors.

(3) *Territorial segmentation*: The groups live territorially segregated which makes it possible to combine consociational democracy with territorial arrangements in order to allow more regional self-rule for each group. This condition is fulfilled by Belgium's and Bosnia's federalisation even if multi-lingual or multi-ethnic areas continue to exist (Brussels, Muslim-Croat federation). To some extent this also applies to the South Tyrolian "double autonomy" which granted more competencies to the province of Bozen/Bolzano with its German-speaking majority than to the total region of South Tyrol-Trentino. Neither in Cyprus (1960-63) nor in Northern Ireland, it is possible to create a territorial pillar within the political system. The groups live – or in the case of Cyprus lived – in segregated neighbourhoods, but at the level of cities, districts or sub-regions (counties) the population is or was to a large extent mixed and by no means territorial segmented.

(4) *Overarching loyalty*: The groups are held together by a common loyalty, i.e. the majority on each side is somehow affiliated to the same symbols, institutions, ideals or values. A shared national or regional identity would be an example for a very distinct overarching loyalty. Despite the particular group identities there exists also a common sense of belonging to one nation or one region. Under these circumstances no group claims to be the titular nation and the "owner" of the state which would obviously exclude others. A paradigmatic case for this construction of a "multi-national" (or multi-lingual) nation is Belgium (and, of course, Switzerland). After 1945 the Belgian state was successfully transformed from a state historically dominated by Francophones to a bilingual and binational state. Today, neither the Flemish- nor the French-speakers serve as the core nation; both see themselves and the other group as Belgian nationals, irrespectively of their belonging to one language group. A prominent symbol for the overarching loyalty is the Crown, which is largely respected by

¹⁵ For instance the Fair Employment Agency (1976) and the Fair Employment Act (1989) in order to overcome Catholic discrimination at the regional labour market, see Darby (1997: 79-85), Boyle/Hadden (1994: 45-54).

Flemings and Francophones. In contrast, in Cyprus and Bosnia existing but weak bonds among the ethno-national groups were finally destroyed in the course of conflict. Greek Cypriots and Muslim Bosnians saw themselves more and more as the titular nation, while the other groups (Turk Cypriots, Serbs/Croats) largely did not identify themselves with a common state. In both cases, however, there were decades of relatively peaceful coexistence, although this historic experience did not serve as a point of reference for developing an overarching loyalty when Cyprus became independent from British rule and when the Yugoslav federation broke apart. On the contrary, ethno-nationalism dominated on each side, whereas concepts such as a common, inclusive Cypriot or Bosnian identity vanished. In Northern Ireland such a notion of a shared regional identity never existed. The name "Ulster" – unlike the name "Belgium" – is obviously claimed by one side (Unionists) and cannot be used as a starting point for a common regionalism. The same goes for the term "Südtirol": By using it the German-speakers wanted to make clear that they still consider the region a part of Tyrol, therefore the Italian government refused to use it in official documents until the late 1960s. In other words, during the conflict the terms "Ulster" and "Südtirol" were monopolised by one group and became a vigorous political symbol for the groups' identity, making it impossible for others to identify with it. However, in both provinces there are some encouraging signs that an overarching regional identity could be developed over time. This project of multi-national regionalism is primarily fostered by small, bi-communal parties such as the Alliance Party in Northern Ireland or the Greens (*Grüne-Verdi-Verc*) in South Tyrol.

(5) *Cross cutting cleavages*: The population in total is characterised by political (or other) cleavages which cut across ethno-national or linguistic lines. This leads to overlapping memberships and prevents the creation of "homogenous" groups. The basic assumption is: the more politically relevant membership overlaps, the stabler the consociational system is. Electoral behaviour seems to be a fairly objective indicator of cross cutting cleavages. The question is whether the majority of voters selects parties on the basis of linguistic or ethnic criteria or on the basis of other affiliations (i.e. socio-economic, professional). This is by and large the case in Belgium where Christian Democrats, Socialists and Liberals have dominated politics since 1945 while Francophone or Flemish regional parties only occasionally gained bigger support, notably in the late 1960s and again in the 1990s. On the whole, linguistic (and also religious) cleavages do not coincide with party preferences: Despite traditional strongholds for the various parties (Christian Democrats in Flanders, Socialists in Wallonia, Liberals in Brussels), within each language group, one will find a mixture of party preferences: Flemings do not exclusively vote for Christian Democrats and, in turn, Francophones do not only support Socialists or Liberals. However, during the federalisation process in the 1970s the three parties split into legally independent regional branches. This implies that the relevance of overlapping memberships has decreased. Nowadays, Flemish politicians from different parties may more easily agree on an issue than Christian Democrats from different regions.

In all other cases, the electoral behaviour does not indicate relevant cross cutting cleavages, instead ethnic and political cleavage correspond closely. For example, the South Tyrolian SVP is almost exclusively elected by German-speakers, the Northern Irish SDLP by Nationalists and the Bosnian SDA by Muslims. In all three places existing multi-national parties are in a clear minority position. In Cyprus, the cleavage was even more obvious and reinforced by the 1960 constitution which separated the total population into two electorates.

As a result Greeks voted almost unanimously for the *Patriotic Front* of Makarios and the Turks for the *National Front* of Küçük and Denktash. Bi-communal parties did not exist at all.

(6) *Moderate pluralism vs. national fronts*: No group is represented by a single unifying and monolithic "national front" but by several political parties or movements instead. To some extent these groups are internally characterised by political pluralism. The different opinions on issues and strategies within each segment are therefore reflected by a moderate multi-party system. This can be organised according to the classical right-left-continuum or by moderate, radical and multi-communal forces. The former applies to the party system in Belgium, the latter to those in South Tyrol or Northern Ireland. Cyprus, however, represents the extreme case of establishing national fronts in each camp which marginalised any internal, potentially more moderate opposition. In Bosnia, the question still remains open: Both options are possible, either Bosnia follows the Cypriot way of monolithic blocs or the peace process manages to foster the establishment of a multi-party system within each group.

On the other hand, internal pluralism should not lead to fragmentation or even political sectarianism which would also aggravate power-sharing. A case in point is the Northern Irish experience in the early 1970s when the largest Protestant party, the Ulster Unionist Party, lost its hegemonic position among Protestants and then split into different fringe parties. They opposed any reconciliation with the Catholic SDLP and put moderate Protestant politicians under enormous pressure. At that time, Northern Ireland did not have a moderate multi-party system, but a completely fragmented one. In the 1990s, however, the political scene in the province seemed to consolidate: now Nationalists and Unionists are basically represented by two main parties (SDLP/Sinn Féin and UUP/DUP). The main difference besides the number of parties is that political fragmentation normally increases the "blackmail potential" and decreases the "coalition potential" (see Lijphart 1977: 61-65). In other words: the more parties do exist on each side and the smaller they are, the more unlikely is the formation of a stable coalition between the each segment's major parties.

(7) *Dominant elites*: The political leadership of each group is able to win internal support for compromises and agreements. The segments or the society as a whole is characterised by a "structured predominance of elites vis-à-vis nonelites" (Nordlinger 1972: 119) or by an "elite-dominated political culture" (McGarry/O'Leary 1990a: 284). In order to fulfil this condition, two scenarios are possible: First, elites can act more or less independently of their followers, leaving them a relatively big manoeuvring space during negotiations. This cartel of elites, often in the form of major parties and bigger interest groups, normally negotiates behind closed doors and does jointly implement the results. Examples of this kind of elite politics or party corporatism are the various "pacts" in Belgium for settling language or constitutional problems.

Second, elites are much more linked to their followers, either by clientistic interdependence (as in Cyprus) or through concrete instructions and platforms. The followers are de facto in a veto position and, thus, leaders' room for negotiation is rather limited. Under extreme circumstances, each step needs to be agreed by their followers or, at least, by the majority of party members. In this setting, elites have to convince their audience in order to overcome internal resistance. This situation was typical of South Tyrol, Northern Ireland, Cyprus and Bosnia. In South Tyrol, the SVP leadership managed to convince a narrow majority of

delegates to finally accept the 1969 package deal. In Northern Ireland, however, the power-sharing experiment of 1973-74 was bitterly resisted by large parts of the Protestant camp which isolated the moderate leadership of UUP chairman Faulkner. In Cyprus, from the very beginning of the independent state, both sides' leaders refused to make any compromises whatsoever, be it, that they were themselves not prepared to do so, be it, that they feared to lose power within their own segment. In Bosnia, since the Dayton Peace Agreement similar problems can be observed among the leadership of the major nationalist parties.

For convincing the followers, it is of absolute importance that the elites manage to present themselves as "winners" after an agreement has been reached. Furthermore, they must demonstrate their strong determination to implement the compromises in the face of internal criticisms and rivals. If elites showed doubts about the quality of the agreement, it would be very difficult to get the necessary backing. This has been acknowledged by the SVP and the DC in South Tyrol and, recently, by the UUP and the SDLP in Northern Ireland: both parties, for example, campaigned jointly for the public approval of the peace accord in a special referendum in May 1998.

(8) *Respecting the status quo*: All parties which are or will be part of a *power-sharing*-executive are interested in keeping the agreed status quo, i.e. the consociational solution is not questioned by any side. No coalition partner aims at a hegemonic position or wants to change territorial borders. Radical or separatist forces are in a significant minority position and do not have great influence over the daily work of the power-sharing system. Again, this condition is met by Belgium despite the existence of right-wing Flemish separatists (*Vlaams Blok*). In a similar way, power-sharing in South Tyrol was able to develop successfully because after 1972 neither the SVP nor the DC ever disputed the high degree of autonomy for the province of Bozen/Bolzano. However, the system may come under pressure if parties which want to abolish the South Tyrolian autonomy gain overwhelming support, as it was the case of the neo-fascist MSI during the 1980s (see Alcock 1994: 51-53). The attempts in Cyprus and Northern Ireland (1973-74) failed because on the one hand the Cypriot Greeks and the Unionists did not want to give up their former hegemonic position and on the other hand the Turks and the Nationalists largely supported separatist options. In each case, both sides continued to be strongly oriented towards the nation-state model. Power-sharing was therefore seen as an insufficient protection or even as a danger for their ethno-national identities. The success of the recent arrangements in Bosnia and Northern Ireland will therefore depend on whether the conflict parties – unlike in Cyprus – are able to further develop the status quo-orientation which would gradually move former nationalist projects to the background. Obviously, the chances in Northern Ireland are a lot better than in Bosnia since each party agrees to the principle of majority consent, i.e. the North Irish territorial status quo remains unchanged unless a majority of the population decides differently. However, equally important is the fact that no side dishonours elements of the Good Friday Peace Agreement, as the Unionists did in 1973-74 with respect to the planned *Council of Ireland*.

(9) *Traditions of compromise and mutual understanding*: Among the various groups' elites traditions of compromise and mutual understanding exist, i.e. there are historic experiences of conflict management which could serve as reference points for today's actors. At a certain point elites have already demonstrated to themselves and to others that agreements are

possible. These "historic compromises" may help to ease tensions, but they are by no means a guarantee for mutual understanding between future generations. The question is, if and how this heritage is memorised by all groups and if it becomes part of a common political culture. For instance, the successive laws for putting the two languages in Belgium on an equal footing since the end of the 19th century were an early sign of understanding among Flemish and Francophone elites. Although in all other cases one can hardly speak about traditions of compromise, in South Tyrol there was at least a provincial coalition between SVP and local DC before the 1969 package solution. In Northern Ireland, the 1998 agreement was a result of a long and informal co-operation between SDLP and UUP. Despite its failure, the 1973-74 experiment can be seen as a positive symbol today, because it marked nevertheless a historic watershed in the relations between Protestants and Catholics. In Bosnia, however, four years of war and ethnic cleansing make it very difficult for all sides to re-establish comparatively peaceful inter-ethnic co-operation which was possible during the Yugoslav period.

(10) *Comprehensive participation*: All relevant groups (or their political parties) are represented at the negotiation table and later on in the institutionalised power-sharing system. In particular, major para-military organisations have to be integrated into the peace process by some way, otherwise they might be able to destroy any reconciliation efforts. In Belgium and South Tyrol, all language groups were always represented and consulted. In Cyprus, however, the guarantee powers (Turkey, Greece and Great Britain) established a solution, while the two ethnic groups were only partly and indirectly involved in the negotiations. In Northern Ireland, most relevant groups such as the political wings of the para-military units (i.e. Sinn Fein, loyalist parties) were neither part of the Sunningdale Agreement nor of the established, but short-lived institutions. This major obstacle was to a great extent overcome during the recent peace process; Sinn Fein (and other smaller loyalist parties) participated at almost all stages of the process. Only the Protestant DUP stayed away from the negotiation table, but has so far worked within the institutional framework (i.e. they took part in regional Parliament elections).

(11) *Internal compromise vs. external pressure*: The consociational solution was developed by the groups themselves and not forced upon them by external powers. This condition is obviously entirely met by Belgium, but not by Cyprus nor Bosnia. In both cases, the power-sharing constitution was written and tabled by international mediators, the proposals were primarily discussed with the patron states (Turkey/Greece and Croatia/Serbia) and to a much lesser extent with the actually concerned parties. In comparison, in South Tyrol and Northern Ireland the Italian/Austrian or British/Irish governments' role was more that of an assistant in obtaining an agreement. Surely, they exerted pressure on the conflicting parties, made draft proposals and held bilateral peace talks, but the concerned groups were always involved and informed. In the end, these had to take the last steps by themselves and agree on each detail of the planned power-sharing system. The long-standing all-party negotiations in 1997-98 in Northern Ireland are a case in point. On the contrary, the Unionists widely considered the 1973 Sunningdale Agreement a "dictate" by the British and Irish governments and not a result of fair negotiations.

The analysis can be summarised as follows: *The more factors are fulfilled, the more likely a power-sharing structure will be successful.* This statement implies two different hypotheses:

First, the more conditions are met before the conflict was regulated, the more likely it is that a solution will be found. Second, the more factors are sufficiently fulfilled over time, the better the chances that a solution will last. In other words: as the cases of Cyprus (1960), Northern Ireland (1973, 1998) and Bosnia (1995) show, it may be possible to reach an agreement even under very difficult and impeding circumstances, but its eventual success will to a great extent depend on whether at least some of these factors are met during the post-agreement period. Since in Cyprus and Northern Ireland (1973) neither before nor after the agreement hardly any favourable condition was accomplished, the power-sharing experiments dramatically failed after a short period. As regards the success stories, the findings are also clear: in the case of Belgium all conditions were met either fully or to a large extent, in South Tyrol most factors were at least partly fulfilled.

Table 2: Favourable conditions for power-sharing

	structure-oriented						actor-oriented					Sum	Success
	1	2	3	4	5	6	7	8	9	10	11		
Belgium	+	+/-	+	+	+/-	+	+	+	+	+	+	11	yes
S.Tyrol	+	-/+	+	-/+	-/+	+	+/-	+/-	+/-	+	+/-	8	yes
Cyprus	-	-	-	-	-	-	-	-	-	-	-	0	no
N.Irel. 73	-/+	-	-	-/+	-/+	-/+	-	-	-	-	-/+	0	no
N.Irel. 98	+/-	-/+	-	-/+	-/+	+/-	+/-	-/+	-/+	+/-	+/-	5	?
BiH 95	+	+	+	-/+	-/+	-/+	-	-	-/+	-	-	3	?

Note: + condition met, +/- condition met to a large extent, -/+ condition hardly met, - condition not met

The total sum of conditions met is an important indicator since most factors are not entirely independent of each other, and may in some ways even enforce each other. For example, the existence of cross cutting cleavages (5) may have positive effects on the establishment of an overarching loyalty (4). Similarly, a tradition of compromise (9) will normally foster the respect of a status quo (8). Because of these correlations, it is difficult to judge which factor may be more relevant than others. Therefore, the combined effect of favourable conditions is primarily decisive for success or failure of consociationalism.

However, the analysis allows for some more specific conclusions: Interestingly, all actor-oriented factors (7 to 11) seem more important than structural conditions (1 to 6). Two observations underpin this thesis: First, in the success cases of Belgium and South Tyrol all actor-oriented factors are basically fulfilled. The difference between the two is made up by some structure-oriented conditions, for instance the non-existing cross cutting cleavages in the South Tyrolian case. The absence of these factors made it probably more difficult to attain a solution for South Tyrol, but they obviously did not prevent success. This outcome can thus be primarily explained by actor-oriented factors. Second, the significant difference between Northern Ireland I and II is mainly due to the fact that in 1998 a number of actor-oriented conditions were largely accomplished (7, 10, 11) or there were, at least, tentative signs of improvement (8, 9). In other words: in the 1998 peace agreement these factors figured much more prominently than in the 1973 solution. Therefore, one can see why and to

what degree in today's Northern Ireland the preconditions for success are far better than in the early 1970s. If actor-oriented factors are more relevant than others, then it is also possible to say why the prospects in Northern Ireland are more positive than in Bosnia. Unlike in Northern Ireland, in Bosnia a number of favourable structural conditions exist (such as territorial segmentation), but there are hardly any indications so far that the actor-oriented factors could be fulfilled.

The analysis also underlines the exceptional role of Belgium: In no other case the existence of an overarching loyalty (4) and of overlapping memberships (5) can be identified. Similar to Switzerland, Belgium can be seen as a special case in Europe where cultural or linguistic pluralism gradually became part of the *raison d'état*. Thus, the possibility of transfer from the Belgian model to other places is rather limited. Belgium, however, may serve as an example and a pool of regulations, which could be useful in other multi-national polities, even if, as explained, the preconditions are significantly different.

5. "Better" and "worse" regulations

The various cases confirm Lijphart's statement that there exists "no single consociational blueprint" (1982: 175). The concept of power-sharing can indeed be realized by various institutional options. In each case, the elements introduced above were implemented in a different manner. However, despite the diversity of regulations, it is still possible to make some basic distinctions in order to show which institutional designs proved better than others in attaining the over-all goal of elite cooperation.¹⁶

(a) *Formal or informal regulations*: Power-sharing can be based on formalised rules or informal practises, the former is done on the basis of a written constitution, a peace accord or special laws, the latter on the basis of oral agreements or unwritten customs. Switzerland serves as a prime case for informal rules: Neither the composition of the government ("magic formula"), the representation of linguistic groups in politics and administrations nor the de facto veto opportunities and mechanisms for conflict settlement are strictly formalised. In contrast, the cases chosen here are mostly characterised by written laws, legal guarantees and detailed formal procedures. However, in Belgium, the parity rule at the Council of Ministers received an official constitutional status only in 1970 after having been practised informally since 1950. Highly formalised are in particular the composition of power-sharing governments, the representation of all groups in parliaments, proportional systems for public administration, the division of power between different levels (e.g. regions in Belgium) as well as procedures for veto rights (see table 3). Only in the field of arbitration measures informal ways are also occasionally used – often in form of ad hoc round-tables with major party leaders in order to solve concrete problems (see Belgium, South Tyrol). In general, informal arrangements are merely a supplement to already established formal rules. They could be seen as an indication of growing mutual trust, since both sides apparently believe that unwritten agreements will be kept. Informal rules are, therefore, signs of stability and the result of lasting peace.

¹⁶ For the analysis of different institutional options, see also Lijphart (1982, 1986), Sisk (1996: 27-45).

Table 3: Formal and informal regulation

	Power-sharing-Executive	Representation	Veto rights	Segmental autonomy	Arbitration
BEL	formal	formal	formal	formal	formal informal
STY	formal	formal	formal	formal informal	formal informal
CYP	formal	formal	formal	formal	formal
BH 95	formal	formal	formal	formal	formal
NI 98	formal	formal	formal	informal	formal informal

(b) *Cabinet or Presidential system*: The power-sharing executive can basically be organised according to a cabinet or a presidential system. The first option implies the establishment of a collegial system which is either in total or in part (i.e. the Prime Minister and its deputy) elected by the Parliament. Ideally, the Cabinets' decisions are based on consensus and will be collectively defended. This model applies to the Belgium Council of Ministers, the South Tyrolian *Landesregierung* and the new Northern Irish regional government. In each case, some kind of formal or informal coalition-building is inevitable in order to gain the necessary majority in Parliament and to represent each group in the Cabinet, as constitutionally guaranteed. Indeed, both Belgium and South Tyrol have traditionally been ruled by formal coalitions between the largest parties on each side. In Northern Ireland, the power-sharing system works differently: Only the *First* and the *Deputy First Minister* (on the same ticket) have to be elected by a de facto coalition of a Protestant and a Catholic party, the other Cabinet members – unlike in Belgium or South Tyrol – are chosen autonomously by the parties according to their numerical strength in the Assembly, here agreements among parties do not seem necessary.

The second option implies a direct popular vote for the head of state (president or joint presidency) whereby each group nominates and elects its own representative. The presidents largely control the composition of the government: Either they directly appoint ministers or they propose their candidates to the parliament. The first procedure applies to Cyprus, the second to Bosnia. In both cases, the Cypriot Council of Ministers as well as the Bosnian state presidency is able to take decisions by simple majority, but the inferior minority can bloc any legislation by using its veto rights. For example, the Greek members in the Council of Ministers always used their structural majority (7 to 3) for decisions, while the Turkish vice-president counter-reacted with his veto. The Council members were not forced to co-operate – unlike in Cabinet systems. The failed attempt of Cyprus demonstrates why generally presidential systems seem to be less suitable for consociationalism than Cabinet systems. The disadvantages are obvious: The leaders (presidents) have strong legal powers and because of popular voting they are closely linked to their own ethno-national group and they do not need any co-operation (coalition-building) with other parliamentary groups in order to enter office (see also Lijphart 1991: 506-507).

(c) *Proportional representation or overrepresentation*: The representation of all groups in executive, legislative, judicative and administrative bodies can be organised in two different ways: First, mandates and public posts are distributed according to the principle of proportionality. For public administration, the principle is usually based on a proportional share of the total population. For governmental posts, the number of the groups' representatives or the numerical strength of the parties is also used as a measure, this applies, for instance, to the South Tyrolian and the Northern Irish executive. Second, some regulations are especially designed in order to over-represent the minority at specific posts and ranks. Examples are the principle of parity (widely used in Belgium) or fixed quota systems (such as in South Tyrol or Cyprus).

Both variants are often combined, as a rule one can state: the higher the positions and ranks, the more likely it is that smaller groups are over-represented. That is primarily the case for the leading positions in state and government as the Belgian Council of Ministers, the Cypriot double presidency or the Bosnian presidency may show. But it often also refers to the presidency of the parliament, to high courts, to arbitration commissions as well as to top positions in administration and the military. The composition of parliaments, on the other hand, mirrors the size of the various groups since elections normally take place on the basis of proportional voting. One significant exception is the failed Cypriot model where by constitutional rule the Greeks received 70% and the Turks 30% of the seats. Since the Turks made up only 18% of the Cypriot population, they were highly over-represented. Officially, the 70:30-ratio had also to be respected in the Cypriot public administration. But this rule caused a constant quarrel between the two sides: on the one hand, the Greek majority feared the loss of positions and influence, on the other hand, the Turkish minority insisted upon the rapid implementation of the ethnic proportional representation. Both sides were unable to find a compromise; they could not develop a less static quota system, which would not ask too much from the majority population and would also allow for appropriate representation of the minority. In other words: In Cyprus, the problem was not over-representation per se, but its strict and over-all application. It is therefore important to use this instrument more flexible and restrict over-representation to some areas. In general, proportional regulations should not be too rigid, in particular with respect to the public service. At least, there has to be – unlike in Cyprus – a longer transition period in order to change the system. As an example of a more flexible solution serves the "asymmetric" appointment model in the Belgian public service, i.e. there is no fixed quota for any post and any hierarchical level, but in sum there has to be certain amount of Flemish- and French-speakers within the administration. If one group is traditionally strongly represented in one institution or one administrative unit, then it is possible to privilege the other group in other places. Additionally, long-term timetables for the introduction of proportional rules – such as in South Tyrol and in Belgium – have the benefit that civil servants can usually keep their posts – thus reducing the conflict potential significantly.

(d) *Delaying, indirect or direct veto power*: As regards veto rights, there are again various options: (i) delaying veto, (ii) indirect veto and (iii) direct veto. The first type aims at delaying a decision in order to re-consider the matter, often by using a special parliamentary mediation procedure or by referring it on to the constitutional court. One example is the Belgian "alarm bell procedure", introduced in 1970. In Parliament, each language group can stop a draft law if at least three quarters of the group members sign a resolution. Within 30

days, the Council of Ministers has to search for a compromise and to table a new proposal (see Alen 1990: 510). In South Tyrol, each parliamentary language group is allowed to call upon the Italian constitutional court, if a law has passed the South Tyrolian *Landtag* or the Regional Council against the will of two thirds of one language group. This procedure protects the interests of the German minority within the region South Tyrol-Trentino and, in turn, those of the Italian minority within the province of Bozen/Bolzano (see Oellers-Frahm 1993: 222-224).

The second type leads to an indirect veto for each group since specific conditions have to be met in order to pass a legislation in Parliament. In general, the majority of each group has to agree, otherwise the draft law will not pass (principle of double majority). In Belgium, this procedure is institutionalised through the so-called "community majority law" (see Alen 1990: 509-510). For specific, important matters (such as questions of institutional reform), the majority of each parliamentary language group has to approve a piece of legislation and the total number of Yes-votes should be two thirds of all votes. In South Tyrol, again, the majority of each language group must agree to each sub-section of the yearly budget ("budget guarantee"). Similar, rather complicated regulations can be found in the cases of Cyprus, Bosnia and Northern Ireland.¹⁷ The third type enables groups to declare each matter to be of "vital interest" and, therefore, to stop any political action directly. An extreme case were the presidential veto rights in Cyprus: the Greek president and the Turkish Vice-president had the possibility to block any decision. The situation is similar for the three members of the Bosnian state presidency as well as to the deputies of each group in the House of Peoples which can also put a "vital interest"-mechanism in operation.

The Cypriot experience of mutual blockage, however, demonstrates that veto rights should be more restricted in order to prevent their misuse. The first two options are therefore more preferable: They are based on formalised procedures and constitutional barriers which make it much more difficult to use veto rights in an inflationary manner. These restrictions are necessary since veto rights should foster and not prevent consensus-building.¹⁸ They should serve as a kind of emergency measure for a certain case, limited by constitutional rules. The lesser veto rights are used, the better. To the contrary, their frequent use can actually be seen as a sign of severe crisis. At best, veto rights develop a preventive effect, i.e. the threat of a veto forces both sides to find a compromise at an early stage of decision-making in order to make any veto unnecessary. This preventive nature can be observed in Belgium or South Tyrol. In both cases, veto rights such as the "alarm clock procedure" or the "budget guarantee" are de facto hardly used, but their pure existences seems important for finding compromises.

¹⁷ In Cyprus, the majority of MEPs of each side had to agree upon questions of communal, tax and election laws (art. 78) and, furthermore, two thirds of each group had to approve any constitutional reform (art. 182). In the Bosnia, any decision can be blocked by the Parliament if two thirds of MEPs of one entity (Croat-Muslim federation or Republika Srpska) vote against a piece of legislation. According to the 1998 Northern Irish Peace Agreement, cross-community voting is necessary in cases of budget questions and in any other matter if at least 30 deputies call for it. Cross-community voting can either be done by the "parallel consent" – or the "weighted majority" – procedure. In the first case, the majority of Nationalists and Unionists have to agree, in the second case, 60 per cent of all present deputies and, at least, 40 per cent of each side have to agree.

¹⁸ For the ambivalence of veto rights, see also Lijphart (1977: 37-38, 1982: 177-181).

(e) *Territorial or personal group autonomy*: Segmental autonomy is either based on the principle of territoriality or of personality. The former implies federal structures (Belgium) or territorial autonomy (South Tyrol). The latter is, for instance, realised through elected, non-territorial, self-governing communal chambers (Cyprus) or private institutions which obtain certain responsibilities for each community (Northern Ireland). Both options can be combined, as the examples of Belgium and South Tyrol demonstrate. In Belgium, regions coexist with non-territorial (cultural) communities which have their own institutions and competencies in language, culture and education. In South Tyrol, the German- and Italian-speakers possess some degree of autonomy in school matters. The advantage of self-rule is that inter-ethnic co-ordination is limited to policies, which are in the interest of all segments. In the words of Lijphart (1979: 500): "The principle of segmental autonomy means that decision-making authority is delegated to the separate segments as much as possible (...) it may be characterised as minority rule over the minority itself in matters that are the minority's exclusive concern."

The successful operation of this element depends less on the question how many competencies are delegated to the territorial or non-territorial self-rule institutions, but on how the division of competence between central power-sharing and self-government bodies is organised. Most importantly, it is necessary to avoid a permanent competition and struggle between the two levels of government. In particular, segmental autonomy should not undermine central institutions as it happened in Cyprus, where the communal chambers gained de facto more and more powers while joint decision-making proved to be impossible. Thus, the central and the autonomy levels should be more interlocked, for example by a two-chamber legislative. The more competencies are delegated to self-governing bodies, the more important co-operation between the two levels becomes in order to prevent centrifugal and destabilising tendencies.

(f) *Political or juridical arbitration*: Conflict mediation and settlement mechanisms are of great importance for the functioning of consociationalism. Arbitration can be done by political as well as juridical arrangements. The former include a wide range of parliamentary and extra-parliamentary measures: informal meetings, ad hoc-commissions or formalised mediation procedures. The latter refer to high or constitutional courts and to quasi-judicial arbitration commissions, which may give recommendations for compromises as well as binding conclusions. In successful power-sharing regimes, both options are co-existing. In Belgium, the Permanent Language Commission usually settles conflicts over linguistic rights. For constitutional matters, two juridical institutions serve as mediator and arbitrator: the highest administrative court (*Conseil d'Etat/Raad van State*) and the arbitration court (*Court d'Arbitrage/Arbitragehof*), the latter dealing in particular with disputes over competencies between the center and the regions. Moreover, Belgian politics know a range of other formal or non-formal ways to prevent and to solve conflicts such as consultation procedures within the Parliament or the special "advisory committee" representing central and regional institutions.

In South Tyrol, important mediating and arbitrating bodies are the parliamentary arbitration commission (in cases of budget questions), the "Commission of the Six" for relations between the central and the provincial government and, finally, the local administration court in Bozen/Bolzano. Similarly, the 1998 institutional framework for Northern Ireland provides

not only for juridical, but also for political mechanisms: for example, the various committees of the Assembly gained a strong role in the legislation process in order to prevent conflicts at an early stage of decision-making. They are closely linked to the respective ministry, they have control powers as well as the right to initiate draft laws. Whoever governs a ministry, Nationalist or Unionist, has to defend his policy in front of the committee where both sides are represented. Additionally, a *Special Committee* will check each draft law in respect of human rights and equality rights.¹⁹

The Cypriot and the Bosnian model, however, rely almost entirely on juridical arbitration. Since no "softer", more political instruments for conflict mediation and settlement existed in Cyprus, the result was that basically all political disputes were transmitted to the Constitutional Court: between 1960 and 1963 almost 2000 cases were pending at the Court (see Kyriakides 1968: 82). The three judges (one Greek, one Turkish and one neutral, external judge) were therefore heavily over-burdened and, moreover, in most cases they could not agree and blocked each other. Bosnia may face to some extent a similar juridical deadlock. The lesson would be to develop and to implement a more graduate procedure for conflict settlement, including the whole range of political bodies. Appealing to the highest court should in fact be the very last resort and reserved for purely constitutional questions.

If one compares the different power-sharing regimes (see table 4), it follows that the institutional arrangements of the 1998 Northern Irish Peace Agreement are much closer to the consociational blueprints of the two success cases. The Bosnian framework, however, has some significant similarities with the failed Cypriot constitution, in particular with respect to the presidential system, based on popular voting, and to absolute veto rights.

¹⁹ Other political bodies are a parliamentary *Equality Commission* in order to prevent discrimination, a consultative *Civic Forum* with representatives from politics, economy and trade unions, and a *Human Rights Commission*.

Table 4: Options for consociational arrangements

	Executive	Representation: Execut./legisl.	Veto rights	Segmental autonomy	Arbitration
BEL	cabinet system	overrepresented/ proportional	delaying/ indirect	territorial personal	political juridical
STY	cabinet system	proportional/ proportional	delaying/ indirect	territorial personal	political juridical
CYP	presidential system	overrepresented/ overrepresented	delaying/ indirect/direct	personal	juridical
BiH	presidential system	overrepresented/ proportional	delaying/ indirect/direct	territorial	juridical
NI 98	cabinet system	proportional/ proportional	delaying/ indirect	personal	political juridical

In order to summarize: For fostering elite co-operation by consociational arrangements, it will be important to acknowledge the following points: (1) Cabinet governments are preferable to a presidential system; (2) proportional rules should be flexible in order to allow suitable representation for each group (in particular in key positions) without demanding too much from the majority group; (3) veto rights should be subjected to conditions on questions of substance and of procedure, direct and absolute vetoes on each and every political issue should therefore be avoided; (4) segmental autonomy, personal or territorial, should also be limited to certain matters, moreover, there should be an institutional link between central power-sharing and self-governing bodies; (5) it is important to use both political and juridical mechanisms of conflict mediation and settlement.

6. Conclusion

The analysis largely supports Nordlinger's emphasis on the critical role of "conflict group leaders" in regulating ethnic conflicts (see Nordlinger 1972: 40). Obviously, their consent is a *conditio sine qua non* for achieving an agreement in the first place. The existence of other "tested" favourable conditions (e.g. economic growth, cross cutting cleavages or traditions of compromise) may help, but they are neither necessary nor sufficient for reaching a solution. However, once an agreement has been concluded it is essential that favourable conditions are increasingly fulfilled to ensure the long-term stability of a consociational democracy. Otherwise power-sharing experiments will fail as in the case of Cyprus and Northern Ireland (1973-74). Here again, group elites play a major role. Ideally they should convince their followers, contain radical opponents and para-military groups, build formal and informal coalitions with moderate forces of the other side, stick to the agreed status quo, assure full participation of all relevant groups and, if possible, revive positive traditions of mutual understanding from the past. All this implies a strong commitment to co-operation and the principles of shared rule by elites. In other words: most favourable conditions, notably actor-oriented factors, depend on whether and how elites change their behaviour over time from

confrontation to co-operation. As a case in point serves the example of South Tyrol: in the course of conflict regulation, basically all elites gradually changed their former goals and attitudes that had shaped their behaviour in the 1950s and 1960s. This process can best be understood as a result of *collective learning*. Although to a lesser extent, recent developments in Northern Ireland point to a similar direction, if one compares today's situation with the failures of the early 1970s.

Against this background the institutional design of power-sharing regimes itself becomes an important variable for success or failure. A "good" design can indeed be supportive of the depicted changes in group leaders' attitudes and behaviours – in short, it can foster constructive learning among elites. As the comparison of different designs demonstrates important criteria for a "good" consociational design include the following:

First, the arrangements help to prevent mutual blockage and allow for mutual confidence-building. This implies, for example, that veto rights are introduced carefully and in a restrictive manner.

Second, they support coalition-building among the largest parties of each segment. Therefore, heads of state and members of the executive should be elected by the Parliament and not by direct popular vote.

Third, they foster political pluralism within each group and make it difficult for elites to establish monolithic national fronts. Proportional voting and an unified electorate can help to ensure this (unlike in Cyprus), the former guaranteeing small parties a fair chance of representation, the latter allowing, in principle, that each citizen can vote for parties from the other segment or for bi-communal parties which would be impossible in ethnically separated electorates.

Fourth, they provide for the "right" balance between the principles of shared rule and self rule to prevent the establishment of selfish regional or local group elites. On the one hand, self-governing institutions may ease tensions since they offer each group a limited autonomy (see Belgium's regions). But on the other hand, they need to be oriented towards the "common good" in order not to be counter-productive as regards power-sharing. Therefore, there needs to be an institutionalised interplay between the two levels of government, each level should at least be consulted about the other's plans and actions and take their own decisions accordingly.

And finally, fifth, they are composed in a way which allows elites of both sides to present themselves vis-à-vis their followers as "winners". In other words: the terms of the agreement must help to turn a zero-sum-game, typical for ethnic conflicts, into a positive-sum-game (*win-win-situation*). This can be achieved by several methods: (i) *Implementing preferred arrangements simultaneously*, i.e. each group prefers the establishment of a different institution as it was the case in Belgium in the early 1970s. Francophones were in favour of the region model, whereas the Flemish side was mainly interested in the community model – as a result both structures were introduced. The 1998 Northern Irish agreement is designed in a similar way: Catholics had always demanded the acknowledgement of an "Irish dimension" through special North-South-institutions while Protestants often perceived those

as a first step towards unification. In order to counter-balance Unionist fears, the accord now foresees the simultaneous establishment of East-West institutions (*British-Irish Council*). (ii) *Exploiting the flexibility of regulations*, i.e. the one and same instrument can be implemented by different ways thus leaving room for compromise. As shown, proportional rules are particularly suitable as they offer a wide range of possibilities and mixed systems which could eventually satisfy each side. (iii) *Using the opportunities for reciprocal arrangements*, i.e. regulations are made in such a way that they favour both groups, but on different levels. Rules which may be beneficial for one group at a national level could be helpful for the other group at a lower level (regional, local) and the other way round. For example, the reverse minority situations in the *Land* of South Tyrol and the region of South Tyrol-Trentino respectively proved to be extremely useful: power-sharing guarantees for the Italian minority in the province of Bozen/Bolzano were counter-balanced by almost the same rights for the German minority within the region as a whole. The same is true of Belgium: power-sharing at the centre actually favours the slightly smaller Francophone group, but at the level of Brussels the Flemish minority (about 20%) strongly benefits from similar rights in the regional council.

The more agreements come close to these criteria, the better for a functioning power-sharing structure. This will surely have an effect on elites' behaviour and attitudes which in most cases are not characterised by "good will" at the beginning of the process. The more positive their experiences with institutions and regulations are, the better for the learning process mentioned above. Moreover, the better leaders get used to the daily business of working together in a power-sharing structure, the easier it will be for them to convince or, at least, marginalise sceptical voices and opponents in their own camp. These general assumptions have very concrete implications, if one compares recent developments in Bosnia and Northern Ireland. Despite all kinds of troubles and setbacks, the Northern Irish institutional arrangement will obviously be much more favourable for this process than the Dayton framework in the Bosnian case. In future, some points should therefore be revised, most importantly those concerning presidential and parliamentary veto rights as well as the directly elected presidency.

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